

A Checklist for Identifying Conflicts of Interest

- 1. The purpose of this tool is to provide a checklist that you can methodically work through when you are faced with a situation in which you think you might have an actual, perceived or potential conflict of interest.**

FIRST STEPS:

Describe the matter or issue being considered and the situation in which you are involved.

MAKING AN ASSESSMENT:

In assessing whether you have an **actual**, reasonably **perceived** or **potential** conflict of interest, it may be helpful to ask yourself the following questions. The test when assessing these situations is to ask yourself – could this conflict with my public duty to serve the public interest?

2. What is the situation?

- Would I, or anyone associated with me benefit from or be detrimentally affected by my proposed decision or action?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?
- Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
- Do I or a relative, friend or associate of theirs stand to gain or lose financially in some covert or unexpected way?
- Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
- Have I contributed in a private capacity in any way to the matter my agency is dealing with?
- Have I made any promises or commitments in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?
- Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?
- Could this situation have an influence on any future employment opportunities outside my current official duties?
- Could there be any other benefits or factors that could cast doubts on my objectivity?
- Do I still have any doubts about my proposed decision or action?

3. What perceptions could others have?

- What assessment would a fair-minded member of the public make of the circumstances?
- Could my involvement in this matter cast doubt on my integrity or on my agency's integrity?
- If I saw someone else doing this, would I suspect that they might have a conflict of interest?
- If I did participate in this action or decision, would I be happy if my colleagues and the public became aware of my involvement and any association or connection?
- How would I feel if my actions were highlighted in the media?
- Is the matter or issue one of great public interest or controversy where my proposed decision or action could attract greater scrutiny by others?

4. Should I seek help?

- Am I confident of my ability to act impartially and in the public interest?
- Do I feel a need to seek advice or discuss the matter with an objective party?
- Does this person know more about these things than I do?
- Is all the relevant information available to ensure a proper assessment?
- Do I know what my agency's code of conduct requires in relation to conflicts of interests?
- Do I need to discuss any issues regarding this matter with my manager?
- Do I understand the possible penalties that may apply if I proceed with an action or decision with an unresolved conflict of interest?

Remember – seeking and following advice by suitably qualified persons is evidence of good faith but does not transfer the responsibility from the individual to decide whether or not they have a conflict of interests.

5. Have I recognised the type of interest?

An important step is to recognise whether or not the interest is a **pecuniary** interest (also known as a material personal interest). Because there can be legal consequences, public officials should not rely on their own opinion, but should seek independent legal advice if there is any doubt. The [Checklist for identifying pecuniary interests](#)¹ will help you determine whether you may be dealing with a pecuniary interest.

6. Can I now make a decision?

- Have I assessed whether I need to obtain appropriate independent legal and other impartial advice?
- Am I comfortable with my decision to seek (or not seek) advice, and with advice that I have been given?
- If I disagree with any advice given, am I able to state a defensible case to those who made the assessment?
- Can I determine what is the best option to ensure impartiality, fairness and protect the public interest?
- Does this option ensure openness and transparency in my proposed decision or action?
- Have I identified and documented the facts and circumstances governing my evaluation of, and decision on, how I should handle the situation?
- Does my decision allow me to act **and be seen to act** in a fair, impartial and objective manner?